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Arthur J. Kyle
7428 Brad Street
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November 20, 1998

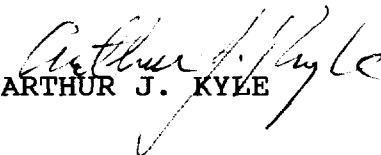
Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D. C. 20554

Dear Ms. Salas:

Enclosed please find the original and six copies of my comments concerning the Commission's Notice of Proposed Rule Making, WT Docket 98-143, in the matter of an Amendment of Part 97 of the Amateur Service Rules.

I have submitted a copy of my comments on a diskette to Mr. M. J. DePont in your Public Safety and Private Wireless Division. In addition, I have sent a copy of the diskette to the Commission's copy contractor, International Transcription Services, Inc.

Sincerely,


ARTHUR J. KYLE

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Before the
Federal Communications Commission
Washington, D.C., 20554

In the Matter of) WT Docket No. 98-143
1998 Biennial Regulatory Review --) RM-9148
Amendment of Part 97 of the Commission's) RM-9196
Amateur Service Rules.)

TO: Federal Communications Commission

COMMENTS OF: Arthur J. Kyle

I. INTRODUCTION

A. I, Arthur J. Kyle, 7428 Brad Street, Falls Church, Virginia, 22042, file these comments on November 20, 1998, regarding the Federal Communications Commission's Notice of Proposed Rule Making, adopted July 29, 1998, WT Docket No. 98-143.

B. I became a licensed amateur radio operator in April 1991, with the call sign KC4YME. I credit my initial success in qualifying for a license with the FCC's creation of the codeless amateur license. In October 1992, I passed the 5 WPM code test and upgraded to a Technician Plus license. I have had no further success with Morse code. I am a member of the Antique Wireless Association, and a former member of the American Radio Relay League (ARRL).

II. SUMMARY

My comments will cover the following matters among those on which you have requested input:

- A. Proposed Number of Amateur Service License Classes
- B. Disposition of the Novice Bands
- C. Greater Volunteer Examiner Opportunities
- D. Telegraphic Examination Requirements
- E. Proposed Requirements for Examinees with Disabilities
- F. Written Examinations

III. DISCUSSION

A. Proposed Number of Amateur Service License Classes

1. I have reviewed your Notice of Proposed Rule Making adopted July 29, 1998, and the ARRL's restructuring proposal dated

July 22, 1998, and I feel strongly that the time has arrived for some major changes in the Amateur Service. If the goal now is to streamline the Amateur Service, reduce the administrative burden in preparing instructional material and examinations, reduce the creation and maintenance of examination and licensing records, as well as to attract knowledgeable and interested young people, then simplification is sorely needed. I recommend that the number of license classes be trimmed from six to the following three:

a. Technician Class. An introductory level composed of the present Technician Class.

b. General Class. A journeyman or mid-level class consisting of the Novice, Technician Plus and General Classes.

c. Amateur Extra Class. A combination of the Advanced and Amateur Extra Classes.

2. These changes could be effected with little disruption by utilizing as an interim measure, the existing examination question banks or database. Amateurs currently holding Novice licenses could upgrade to the General Class by passing the Technician and General Class written examinations (Elements 3A and 3B). Those holding Technician Plus licenses could upgrade to General simply by passing the General exam (Element 3B). Similarly, Advanced Class amateurs wishing to upgrade to the Amateur Extra Class would have only to pass the Amateur Extra Class written test (Element 4B). I will discuss Morse code requirements for these classes in paragraph D, below.

3. Three license classes will certainly answer the Commission's desire that amateurs have the opportunity to progress upward as their knowledge and experience in amateur radio grows. It will reduce the present complexity of frequency assignments and power limitations. Finally, and most important it will give the large number of license holders presently in the lower classes a far greater opportunity to advance into the higher classes.

B. Disposition of the Novice Bands

As indicated above, I believe you are correct in proposing the Novice Class be replaced by the a codeless Technician Class as the entry level in amateur radio. Further I feel the ARRL is right on target in recommending that the Novice and Technician Plus Classes be merged with the General Class. If this is done, I do not believe there will be any further need for the Novice CW bands. These could be abolished.

C. Greater Volunteer Examiner (VE) Opportunities (RM-9148)

The Commission has proposed that in addition to the change recommended by the ARRL, General Class licensees be authorized to

prepare and administer Technician Class tests. I feel that the change is appropriate and recommend it be adopted.

D. Telegraphic Examination Requirements

1. The Commission requested comments on all aspects of the Morse code standards used in amateur radio examinations. To begin with, Morse code has been available for well over a hundred years. It has had a long and useful existence and still has a place in radio as an alternate means of communication. It can often be copied when other modes of transmission fail. I have no disagreement with its continued use. I do object to competency in Morse code telegraphy being the overriding criteria for advancement in amateur radio. The need for Morse code proficiency has been magnified all out of proportion to its actual use.

2. In the latter part of 1996, the ARRL commissioned an opinion survey of 1,100 members and 500 non-members. The 1,100 were said to be representative of 152,809 licensed members of the organization (152,809 is roughly only 26% of all licensed amateurs). The reported rate of response to the survey was 77%. One of the results of the survey was that only 27% said they regularly use Morse code. Compare that with 72% who said they rarely or never used Morse Code (37% rarely, 35% never)(Source: QST, February 1997, p. 56, Fig. 4).

3. The ARRL has formally proposed that the Morse code requirement for a General Class license be reduced from 13 to 5 words per minute (WPM), and for an Amateur Extra Class license from 20 to 12 WPM. This is long overdue, but is to be applauded. It was unthinkable prior to the FCC's hints at restructuring the Amateur Service. I predict the reduction of the General Class Morse code requirement to 5 WPM will encourage many Novices and Technicians to upgrade to General Class, and there will be a renewed interest in amateur radio. However, I regret to say progress will likely stop there. With a proposed 12 WPM Morse code requirement to qualify for an Amateur Extra Class license, I believe we will soon be back to the same situation that now exists. If large numbers of amateurs could not advance to the General Class because of the current 13 WPM requirement, then reducing the Morse Code requirement to 12 WPM for the Amateur Extra Class license accomplishes very little. Instead of many technicians who are presently unable to advance, there will be many in the General Class who will be stymied by the proposed 12 WPM code requirement if that is adopted. There will be no incentive for an amateur to study and work to upgrade to the Amateur Extra Class unless one is a fairly competent telegrapher at speeds greater than 12 WPM. This problem is compounded by suggestions within the ARRL to increase the difficulty of Morse Code examinations.

4. If your proposed changes in the Amateur Service cover nothing else, I recommend that you adopt a requirement for one

level of Morse code, i.e., 5 WPM for both the General and Amateur Extra Classes. Further, I recommend that there be a "sunset" clause to the effect that Morse code proficiency as a requirement for amateur licensing will cease at such time as Article S25 of the International Telecommunications Union regulations is rescinded. Such a clause is needed or the FCC will be faced with revisiting this issue in the future. Please note that although the ARRL has consistently cited Article S25 as the reason for Morse code testing, the ARRL has adopted as a matter of League policy, opposition to changing the existing treaty requirement at the next World Radiocommunication Conference. (Source: QST, March 1997, pp. 58-60, 63; Item No. 49 of the agenda at the January 17-18, 1997 meeting of the Board of Directors)

5. I am not advocating elimination of CW as a method of communication. I would like to see the ARRL, other amateur organizations and amateur publications continue to encourage amateurs to learn and use Morse code. There is no reason why the many amateurs who have the talent for Morse code and enjoy the use of it should not continue.

E. Proposed Requirements for Disabled Applicants (RM-9196)

1. Is there a large or growing problem involving the process of granting Morse code waivers to handicapped persons? I have not heard or read of a single fraudulent case. Nor have I seen any statistics showing how many waivers have been granted, or even questioned. Whatever the situation is, it appears to be yet another indication that Morse code is, by itself, a barrier to advancement as an amateur.

2. FCC Form 610 contains a warning notice and a "penalty clause" in the Physician's Certificate of Disability. I believe that is more than adequate in these circumstances. I think a disabled person would be justified in claiming discrimination if more restrictive procedures are adopted. Even if the Commission permitted volunteer examiners (VE) to request medical information concerning a handicapped person, how could a VE use it? Could a VE claim greater medical knowledge and refuse to grant an exemption or require a disabled applicant to attempt an examination before accepting a physician's certification?

3. The whole proposed approach to this matter contains possible legal complications and adverse publicity for the amateur community. The FCC is correct in its conclusion that RM-9196 is unwise. The Commission is also correct in its conclusion that the clearest and most complete solution is to lower the Morse code requirement to five words per minute for all license classes and to eliminate it entirely when the international agreement is modified.

F. Written Examinations

1. I studied and successfully completed the Novice and Technician written examinations, and prepared for the General exam. I found nothing objectionable about the process. I think the VEs are to be commended for their efforts. On the whole I believe they have kept up with the more recent developments in electronics. Changes in components, equipment, circuitry and techniques are appearing ever more rapidly. I think the instructional material prepared by the ARRL and others, and the VEC question database is well done.

2. Assuming the Commission reduces the number of license classes, the number of written exams should also be reduced. As a temporary measure until a new database can be produced, the following could be used:

a. Technician Class: 50 questions from the current Novice and Technician Class examinations (Elements 2 and 3A).

b. General Class: 50 questions from the current General Class exam (Element 3B). No change is needed at this time.

c. Extra Class: 60 questions from the current Advanced and Extra Class exams (Elements 4A and 4B).

3. The Commission has asked whether questions should be added to the written examinations compensate for the lowering of Morse code requirements if that becomes a reality. Frankly I think that is unjustified. It has the appearance of an attempt to continue limiting the number of licensees by some means other than Morse code tests. The ability to send and receive Morse code has absolutely no relation to a person's knowledge of amateur radio and electronics. If additional questions were not found to be necessary up to now, it should not become a tradeoff for lowering Morse code requirements.

IV. SUMMARY OF RECOMMENDATIONS

Based on my discussion of the topics in Part III above, I recommend the Federal Communications Commission approve of the following changes to the Amateur Radio Service rules:

1. Reduce the number of license classes from six to three; Technician, General and Amateur Extra.

2. Phase out the Novice, Technician Plus and Advanced Classes by not issuing new licenses in those classes.

3. Abolish the Novice portions of the HF amateur radio bands.

4. Permit holders of General Class licenses to prepare and administer examinations for Technician and General Class licenses.

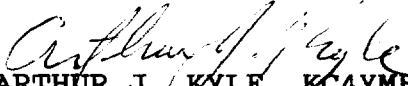
5. Replace the requirement that amateur radio license applicants demonstrate proficiency at three levels of Morse code speed, i.e., 5, 13, and 20 WPM, with a requirement for a single level of Morse code competency at 5 WPM for the General Class and Amateur Extra Class. Insert a "sunset" clause in this requirement to take effect if and when the underlying international regulation is rescinded.

6. There appears to be inadequate justification for any change in the procedures for processing applications from handicapped persons.

7. The existing written examinations are fully adequate for their purposes. Minor changes can be made to reflect the reduction in license classes, frequency assignments, power limitations and use of modes, etc., pending more detailed revisions during the normal review cycle.

I wish to thank the Commission for raising these very important issues concerning the Amateur Radio Service, and for this opportunity to submit my comments and recommendations.

Respectfully submitted,


ARTHUR J. KYLE, KC4YME
7428 Brad Street
Falls Church, VA 22042

November 20, 1998